

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE AQUA DOTS PRODUCTS
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO: ALL
ACTIONS

MDL No. 1940

Lead Case No. 1:08-cv-2364

Judge David H. Coar

Magistrate Judge Susan E. Cox

**DEFENDANT MOOSE ENTERPRISES PTY LTD.'S NOTICE OF MOTION TO
DISMISS FOR LACK OF PERSONAL JURISDICTION PURSUANT TO FRCP 12(b)(2)
AND FAILURE TO STATE A CLAIM PURSUANT TO FRCP 12(b)(6)**

1. Defendant, Moose Enterprise Pty Ltd., moves for an order allowing its counsel of record, CLINTON & CLINTON, to enter an appearance on its behalf.

2. The grounds for this motion as follows: (1) the United States Federal Courts do not have personal jurisdiction over Moose Enterprises Pty Ltd., an Australian business entity with no minimum contacts with the United States; and (2) Plaintiffs have failed to state a claim upon which relief can be granted against Moose Enterprises Pty Ltd.

3. This motion is based on the pleadings and papers on file in this case, the attached memorandum of points and authorities, the accompany Affidavit of Manny Stul, and the accompanying Notice of Lodgment.

NOTICE OF HEARING

Please take notice that Defendant, Moose Enterprise Pty Ltd., will bring this motion for hearing before this Court on August 15, 2008, at 9:00 a.m., in the United States District Court for the Northern District of Illinois before the Honorable David H. Coar in Courtroom 1419.

Dated: June 27, 2008

Respectfully submitted,

MOOSE ENTERPRISE PTY LTD.

By:

CLINTON & CLINTON

David A. Clinton (CA Bar No. 150107)

Dana M. Gilreath (CA Bar No. 227745)

100 Oceangate, 14th Floor

Long Beach, California 90802

Tel. (562) 216-5000

Fax (562) 216-5001

ATTORNEY IN CHARGE FOR
DEFENDANT, MOOSE ENTERPRISE
PTY LTD.

CERTIFICATE OF SERVICE

I, Catherine M. Cruz, certify that on June 26, 2008 I sent a copy of the attached **DEFENDANT MOOSE ENTERPRISES PTY LTD.'S NOTICE OF MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION PURSUANT TO FRCP 12(b)(2) AND FAILURE TO STATE A CLAIM PURSUANT TO FRCP 12(b)(6)** to all parties on the Panel Attorney Service List via e-mail to the addresses listed below.

CATHERINE CRUZ

Ben Bornow, Esq. BARNOW & ASSOCIATES PC b.barnow@barnowlaw.com <u>Attorney for Plaintiff, Robyn Williams</u>	Jack Reise, Esq. COUGHLIN, STOIA, GELLER, RUDMAN & ROBINS, LLP. jreise@csgrr.com <u>Attorney for Plaintiff, Sara Bertanowski, Simon Beranowski and Anthony B. White</u>
Mila F. Bartos, Esq. FINKELSTEIN THOMPSON, LLP. mthompson@finkelsteinthompson.com <u>Attorney for Plaintiff, Sandra Irene Soderstedt</u>	William N. Riley, Esq. PRICE, WAICUKAUSKI & RILEY, LLC. wriley@price-law.com <u>Attorney for Plaintiff, Eric K. Botsch</u>
Laurence King, Esq. KAPLAN, FOX & KILSHEIMER, LLP. lking@kaplanfox.com <u>Attorney for Plaintiff, Kim A. Cosgrove</u>	James Alex Streett, Esq. STREETT LAW FIRM James@streettlaw.com <u>Attorney for Plaintiff, Fonald C. Erbach, Jr. and Stephanie S. Streett</u>
Ralph K. Phalen, Esq. phalenlaw@comcast.com <u>Attorney for Plaintiff, Michael J. Burgess</u>	Thomas J. Wiegand, Esq. WIEGAND, WINSTON & STRAWN, LLP twiegand@winston.com <u>Attorney for Defendant, Spin Master, Ltd., Spin Master, Inc. and Target Corporation</u>